

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

121203

6711 U.S.PTO

10/31/03 31353 U.S.PTO 121203

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	60484-C (46453)	Total Pages
First Named Inventor or Application Identifier		
Aslam		
Express Mail Label No.	EV 264205603 US	

**APPLICATION ELEMENTS**  
*See MPEP chapters 600 concerning utility patent application contents.*

Address to:  
Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form<br>(Submit an original, and a duplicate for fee processing)   | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program<br>(Appendix)   |
| 2. <input type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27  | 8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission<br>(if applicable, all necessary) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> <li>b. <input type="checkbox"/> Specification Sequence Listing on:               <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> paper</li> </ul> </li> <li>c. <input type="checkbox"/> Statement verifying identity of above copies</li> </ul> |
| 3. <input checked="" type="checkbox"/> Specification<br>(preferred arrangement set forth below, MPEP 1503.01) <ul style="list-style-type: none"> <li>- Descriptive title of the Invention</li> <li>- Cross Reference to Related Applications</li> <li>- Statement Regarding Fed sponsored R&amp;D</li> <li>- Reference to Microfiche Appendix</li> <li>- Background of the Invention</li> <li>- Brief Summary of the Invention</li> <li>- Brief Description of the Drawings (if filed)</li> <li>- Detailed Description of the Invention (including drawings, if filed)</li> <li>- Claim(s)</li> <li>- Abstract of the Disclosure</li> </ul> | 4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113)<br>[Total Sheets 12 ]   |
| 5. <input checked="" type="checkbox"/> Oath or Declaration<br>[Total Sheets 6 ] <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Newly executed (original or copy)</li> <li>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))<br/>(for continuation/divisional with Box 18 completed)               <ul style="list-style-type: none"> <li>i. <input type="checkbox"/> DELETION OF INVENTOR(S)<br/>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</li> </ul> </li> </ul>   | 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))  |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76   | 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement<br>(when there is an assignee) <input type="checkbox"/> Power of Attorney  |
|   | 11. <input type="checkbox"/> English Translation Document (if applicable)  |
|   | 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations  |
|   | 13. <input checked="" type="checkbox"/> Preliminary Amendment  |
|   | 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br>(Should be specifically itemized)  |
|   | 15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br>(if foreign priority is claimed)  |
|   | 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent  |
|   | 17. <input checked="" type="checkbox"/> Other: Copy of the Petition to Extend Time filed concurrently in application serial no. 09/921,017.  |

18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No.: 09/921,017 filed August 2, 2001 which claims the benefit of U.S. Provisional application no. 60/222,785, filed August 3, 2000.

Prior application information: Examiner: Truong, T.

Group Art Unit: 1624

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

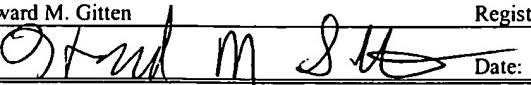
 Customer Number

21874

Insert Customer No.

or  Correspondence address below

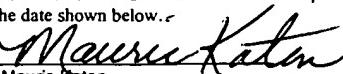
NAME			
ADDRESS			
CITY	STATE	ZIP CODE	
COUNTRY	TELEPHONE	FAX	

Name: Howard M. Gitten                      Registration No. 32,138  
Signature: 

Date: December 12, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 264205603 US in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 12, 2003

Signature:   
Maurie Katon

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 264205603 US in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Attorney Docket No.  
60484-C (46453)

Dated: December 12, 2003

Signature:   
Maurie Katon

121203  
6711

**U.S.P.T.O.** IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner Truong T.  
Art Unit 1624

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a  continuation  divisional application under 37 CFR § 1.53(b), of pending prior application no. 09/921,017 filed on August 2, 2001 which claims the benefit of U.S. provisional application no. 60/222,785, filed August 3, 2000.

of Aslam

(inventor(s) currently of record in prior application)

for Polymorphs of Zaleplon and Methods for the Preparation Thereof

(title of invention)

1.  The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	61	- 20	41	\$18.00 each	\$ 738.00
Independent	22	- 3	19	\$86.00 each	\$ 1,634.00
			Minimum Fee		\$ 770.00
			Multiple Dependency Fee		\$ 0.00
			If Applicable (\$290.00)		
				Total	\$ 770.00
					\$ 0.00
			Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern		
				Total Filing Fee	\$ 3,142.00

2.  Please charge the required fee to Deposit Account No. .04-1105 A copy of this sheet is enclosed.
- 3a.  A Preliminary Amendment is enclosed.
- 3b.  A copy of the specification, identical to that of the pending prior application and containing no new matter, is enclosed.
- 4a.  New formal drawings are enclosed.
- 4b.  Informal drawings are enclosed.

- 5a.  Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b.  The certified copy has been filed in prior application no. , filed .
6.  The prior application is assigned to Jones Pharma Incorporated; the assignment was recorded with the PTO November 4, 2003.
- 7a.  A copy of the Power of Attorney filed in the prior application no. 09/921,017, filed Aug. 2, 2001 is enclosed. (6 pages)
- 7b.  A Power of Attorney is enclosed. Copy of Power of Attorney by Assignee of Entire Interest (Revocation of Prior Powers) prior application no. 09/921,017. (2 pages)
8.  This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9.  The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10.  DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11.  Additional enclosures or instruction: Applicants note that a Petition to Extend Time for three (3) months is concurrently filed in connection with pending prior application no. 09/921,017 (a copy is enclosed herewith). Applicants also submit herewith a copy of the executed declarations filed in prior application serial no. 09/921,017 filed August 2, 2001.

Respectfully submitted,

Date December 12, 2003

  
Howard M. Gitten

32,138

(Reg. No.)

Customer No. 21874

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Aslam et al. Confirmation No.: 5844  
Serial No.: 09/921,017 Art Unit: 1624  
Filed: August 2, 2001 Examiner: Truong T.  
For: Polymorphs of Zaleplon and Attorney 60484 (46453)  
Methods for the Preparation Docket No: (formerly 0630/1J599-  
Thereof US1)

**PETITION FOR EXTENSION OF TIME UNDER 37 CFR § 1.136(a)**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

COPY

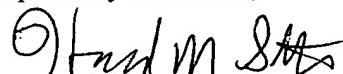
Sir:

It is respectfully requested that the time for response to the Final Office Action dated June 13, 2003 be extended for a period of three (3) months from September 13, 2003 to and including December 13, 2003 to permit the filing of a continuation application.

The fee for this extension is estimated to be \$950. Please charge the required fee to Deposit Account No. 04-1105. A copy of this sheet is enclosed.

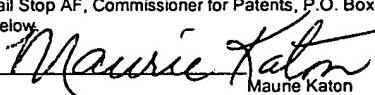
Respectfully submitted,

Date: December 12, 2003

  
Howard M. Gitten 32,138  
(Reg. No.)

Customer No. 21874

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 12, 2003 Signature:   
Maune Katon